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January 10, 2008

BY FAX

Hon. Richard J. Holwell
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1950
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/17/08

Re: P.S. and K.S., on behalf of M.S. v. New York City Dept. of Education,
07 CV 10550 (RJH)

Dear Judge Holwell:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel Michael A. Cardozo. I write on behalf of Defendant New York City Department of Education ("NYCDOE") to respectfully request a 30 day extension of time for the NYCDOE to respond to the complaint in the above captioned matter, from January 15, 2008 until February 14, 2008. This is the second request for an extension of time in this matter. Plaintiffs consent to this request.

As previously set forth in Defendant's first request for an extension of time, the sole issue presented in this action is Plaintiffs' request for attorney's fees, which Plaintiffs allege they are entitled to on the grounds that they substantially prevailed at an administrative hearing relating to the educational placement of their child, M.S. The NYCDOE has a process for obtaining fees in this context, which Plaintiff has chosen not to utilize. Rather, Plaintiffs have instead opted to seek relief from this Court in the first instance.

In an effort to avoid protracted litigation, and to conserve judicial resources, on December 7, 2007, and most recently on January 8, 2008, Defendant requested that Plaintiffs provide a settlement demand, and the underlying billing records. To date, Plaintiffs have not yet provided such information. However, Plaintiffs have recently indicated that they will forward those records to the Defendant shortly. The NYCDOE is hopeful that Plaintiffs will in fact provide such materials promptly. An extension of time will enable the NYCDOE to review those records and explore the possibility of settlement.

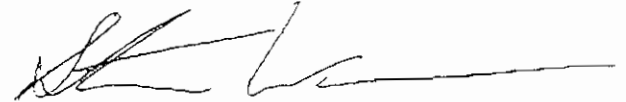
SO ORDERED

Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

1/16/08

Thank you for your consideration of this request for an extension of time to respond to the complaint until February 14, 2008.

Respectfully,

A handwritten signature in black ink, appearing to read 'Steven D. Weber', with a long horizontal flourish extending to the right.

Steven D. Weber (SW-7627)
Assistant Corporation Counsel

cc: **BY FAX**
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